



DECA MANUAL 50-26.1

MERIT STAFFING PLAN

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Purpose: This manual provides detailed step-by-step procedures for carrying out the policy, assigns responsibilities, and provides guidance and procedures for the identification, qualification, evaluation, and selection of candidates in accordance with (IAW) merit system principles.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This manual applies to the Defense Commissary Agency (DeCA) activities worldwide and all DeCA personnel IAW with Department of Defense Directive (DoDD) 5105.55, DeCA Directive (DeCAD) 70-2, and serves as policy for all DeCA personnel.

1.2. POLICY. This manual implements policies as defined in DeCAD 50-26 and is in compliance with references listed within this document.

SECTION 2: RESPONSIBILITIES

2.1. DIRECTOR, HUMAN RESOURCES (HR). The HR Director shall:

- a. Establish and oversee the DeCA Merit Staffing Program;
- b. Monitor program administration for regulatory compliance;
- c. Develop policy and procedures for DeCA's staffing related programs.

2.2. HR SERVICE PROVIDERS (HRSP). HRSPs are responsible for the day-to-day management and administration of all staffing functions, including:

- a. Executing staffing plans and programs for all serviced populations;
- b. Providing job information and accepting applications;
- c. Recruiting/filling positions;
- d. Processing placement actions;
- e. Permanent Change of Station (PCS) counseling;
- f. Verification of PCS entitlements and preparation of orders.

2.3. SUPERVISORS AND MANAGERS. Supervisors and managers shall:

- a. Treat candidates in a fair and equitable manner without regard to non-merit factors;
- b. Engage in fair and open competition;
- c. Evaluate and select based on merit factors;
- d. Make selections in a timely manner.

2.4. EQUAL EMPLOYMENT OPPORTUNITY (EEO) MANAGERS. The EEO Director shall:

- a. Consult HR and HRSPs on the provisions and applications of this plan;

- b. Identify positions/occupations which are underrepresented, aid in developing recruitment strategies, and aid in communicating job opportunity information to sources of qualified candidates;
- c. Advise managers and supervisors on affirmative action goals and responsibilities;
- d. Develop, execute, and assess programs designed to support affirmative employment;
- e. Review and monitor selections to ensure compliance with the spirit and intent of affirmative action program goals and objectives.

2.5. EMPLOYEES. Employees shall:

- a. Follow the specific instructions in the vacancy announcement when applying;
- b. Notify their supervisor in writing of job opportunities for which they are interested in applying during periods of legitimate absence.

SECTION 3: COVERAGE

3.1. COVERAGE. The following placement actions must be accomplished IAW the competitive staffing procedures of this plan:

- a. Permanent promotion to a higher-graded position or to a position with more promotion potential than any position previously held on a permanent basis in the competitive service.
- b. Reassignment, demotion, transfer, reinstatement, or other position changes to a position with more promotion potential than any position previously held on a permanent basis in the competitive service, except as permitted by reduction-in-force (RIF) regulations.
- c. Temporary promotions exceeding 120 days (unless to a grade equal to or less than a grade previously held on a permanent basis). In computing the 120-day total, an individual's non-competitive temporary service in all higher graded positions during the preceding 12 months is counted, including details and other temporary and term promotions. See DeCA policy Section 3.2, "Temporary Promotions."
- d. Details exceeding 120 days to higher graded positions or to positions with higher promotion potential. Prior service during the preceding 12 months under noncompetitive detail to higher graded positions and noncompetitive temporary promotion counts toward the 120-day total.
- e. Selection for formal training as a part of an authorized training agreement, part of a promotion program, or required by regulation before an employee may be considered for a promotion. This includes the DeCA Upward Mobility Program, which uses a training agreement as authority for DeCA employees to compete and train for positions for which they would not otherwise qualify. See Section 3.3.

3.2. TEMPORARY PROMOTIONS. Temporary promotions may be used in situations requiring the temporary service of an employee in a higher graded position for more than 30 days. Temporary promotions for periods of less than 30 days will not be made. A temporary promotion is not to be used as a means of training or evaluating an employee in a higher graded position.

- a. Temporary promotion actions can be made non-competitively, if the same permanent action could be made noncompetitively on a permanent basis.
- b. The duration of a competitive temporary promotion initially may not exceed a specified period of up to five years. If the situation warrants, extensions are permitted only with prior Office of Personnel Management (OPM) authorization. If the initial length of the temporary promotion is less than five years, it may be extended up to five years without further competition.

c. A temporary promotion must have a definite not-to-exceed date. The promotion will be terminated on the specified date unless it is extended. However, management may terminate a temporary promotion at any time prior to the not-to-exceed date. An employee's return to the position from which promoted, or to a different position of equivalent grade and pay, are not subject to adverse action or RIF procedures.

3.3. DeCA UPWARD MOBILITY PROGRAM TRAINING AGREEMENT. The DeCA Upward Mobility Program provides lower graded DeCA employees the opportunity to enter into new career fields when they lack the prescribed qualification requirements for the new career field. The Upward Mobility Program enables them to compete and train for target positions for which they would not otherwise qualify. This training agreement authorizes the waiver of OPM qualification requirements (except positive education requirements). This agreement serves as the authority to substitute intensive training for the normally prescribed qualification requirements. The entry-level position is at the GS-5 level and the target position is normally at a higher grade level.

a. Objectives. The objectives of this program are to provide lateral and upward mobility to employees in General Schedule (GS) and Wage Grade (WG) occupations. Provide full development and use of employees' talents. Provide necessary training to ensure that the employee can perform the duties and responsibilities of the target position.

b. Coverage. Only current DeCA employees who hold career-conditional, career, Schedule A, or Veterans Recruitment Appointment (VRA) appointments are eligible for this program. In OCONUS areas only, employees who hold Permanent Schedule A appointments are also eligible for this program.

c. Program Content. The first level manager/supervisor will prepare a training plan for each program trainee prior to program entry. Assistance in training plan development is available from DeCA Headquarters HR. The training plan should reinforce, with practical experience, the employee's present knowledge, skills, and abilities (KSA).

d. Training will include an in-depth orientation, on-the-job training, Agency-developed courses, and home study courses, if applicable. The remainder of each trainee's program will be developed on an individual basis. Since each trainee will possess a different experience level, the training schedule may be modified to reflect the needs of the individual. Where necessary, to ensure full mastery of a given segment, the time in that segment may be extended within total program requirements. The first level manager/supervisor will design the plan to supplement the trainee's qualifications so that the trainee is able to adequately perform the requirements of the target position at the end of the program. At least 50 percent of the training must be in the target occupation or directly related fields. Managers/supervisors may not require trainees to complete or maintain a specified grade point average in college courses (other than courses required by a published qualification standard).

e. Training Credit. The length of the training period will vary according to the entry level of the trainee and the training program designed to qualify the trainee for the target position. As

a minimum, each trainee must make up the difference in qualifications from what they bring into the program and the qualifications required for the target position. Under this agreement, DeCA may credit training time to make up the difference at a rate of one month of training for two months of experience. This training agreement serves as the basis for crediting qualifications or service at an accelerated rate only when making assignments to positions under this program. This agreement does not provide accelerated credit for qualifications earned in training by anyone who leaves the program without reaching the target position.

f. Pay and Promotion Provisions. Promotion to the next higher grade is not automatic and is dependent upon the conditions listed below. If a trainee accepts a change-to-lower grade to enter the program, they will receive pay retention if otherwise eligible.

(1) Employee must meet time-in-grade requirements; performance must be fully successful or better;

(2) Employee must complete required training as scheduled;

(3) Supervisor must recommend the employee for promotion.

g. Failure Provisions. Promotion to the target grade may be delayed for up to six months if the trainee fails to meet performance requirements or fails to demonstrate progress/potential to perform at the higher grade level. Failure to demonstrate capacity for continued advancement at any time during the training period or failure to advance after a maximum of 18 months may result in reassignment, demotion, and/or removal from the training program, IAW applicable personnel regulations. If the trainee fails to meet performance requirements, they will be allowed the opportunity to return to their previous position.

h. Related Requirements. Training provided under this agreement is subject to all requirements applicable to training. Approval of this training agreement does not constitute either a direct or implied agreement that any proposed training meets these requirements. Trainee, supervisor, and HRSP representative are required to sign the training agreement.

3.4. EXCEPTIONS TO MERIT STAFFING PROCEDURES.

a. A promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to either the issuance of a new classification standard or the correction of a prior classification error.

b. Career promotions of employees when competition was held at an earlier date through appointment from an OPM or delegated examining register, a direct hire authority, or competitive promotion procedures intended to prepare the employee for the position being filled. This includes any promotion up to and including the full performance level established for the occupational series. The intent to promote must be made a matter of record and career ladders must be documented.

c. A position change permitted by RIF in Title 5, Code of Federal Regulations (CFR).

d. Promotion of an employee whose position is reclassified at a higher grade because of the performance of additional duties and responsibilities, either through accretion of duties or management action, planned, or unplanned. A noncompetitive promotion, via planned management action, may be made only if the employee given the additional duties is the only person to whom they could logically be assigned. If there is more than one employee who could have been assigned the work, a noncompetitive promotion is NOT permissible. To be eligible for promotion under these circumstances, an employee must continue to perform the same basic functions and the duties of the former position must be absorbed administratively into the new one, and the employment must meet the time in grade requirements. When an additional position is created, or when the new position is not a clear successor to the former position, a promotion may NOT be made using this noncompetitive action. Accretion of duties actions cannot be used to promote an employee or team leader to a supervisory position. Promotions based on accretion of duties must be fully documented to show the circumstances that led to the action. See Section 3.5 for documentation requirements. Management retains the right to make any promotion under this provision a competitive action when competition is in the best interests of DeCA.

e. Action involving statutory, regulatory, or administrative placement, to include actions directed by higher command levels, arbitration decisions, court decisions, Merit Systems Protection Board (MSPB) decisions, local settlements, and discrimination complaint decisions.

f. A temporary promotion or detail to a higher graded position or to a position with known promotion potential for a period of 120 days or less. Prior service during the preceding 12 months under non- competitive temporary promotions and non-competitive details to higher graded positions counts toward the 120-day total.

g. Promotion, reinstatement, or transfer to a grade previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement) from which the employee was separated or demoted for other than performance or conduct reasons.

h. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than that of a position the employee currently holds or previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement) from which the employee was separated or demoted for other than performance or conduct reasons.

i. Promotion or placement of an employee entitled to non-competitive priority consideration as a corrective action for failure to be given proper consideration in a competitive promotion action under the requirements of this plan.

j. Promotion resulting from the successful completion of a training program for which the employee was competitively selected.

- k. Temporary promotion of an employee for more than 120 days to a grade level previously held on a permanent basis, except when the employee was demoted for cause.
- l. Permanent promotion to a position held under temporary promotion or detail when originally made under competitive procedures and the possibility for permanent action was identified in the vacancy announcement or recruitment bulletin.
- m. Noncompetitive and conversion of severely disabled individuals (as defined in Part 315.709 of Title 5, CFR) and promotion after conversion provided the position occupied has an established full performance level (career ladder).
- n. Noncompetitive conversion of students under the Pathways Program and promotion after conversion provided the position occupied has an established full performance level (career ladder) is further defined under Part 315.713 of Title 5, CFR.
- o. Noncompetitive appointment of eligible veterans with a 30 percent or more disability who are serving on temporary appointments and promotion after conversion provided the position occupied has an established full performance level (career ladder).
- p. Noncompetitive appointment of VRA eligibles and promotion after conversion provided the position occupied has an established full performance level (career ladder).
- q. Noncompetitive appointment of Executive Order (EO) 12721 eligibles and promotion after conversion provided the position occupied has an established full performance level (career ladder).
- r. Noncompetitive appointment of EO 13473 eligibles.
- s. Designated positions in the Commissary Management Series, GS-1144, as well as certain positions identified by management in the GS-2003 and GS-2030 series will be filled under the provisions of the “Commissary Career Program Directive,” January 10, 2014. GS-1144 positions not designated for fill through the Commissary Career Program will be covered by the competitive staffing procedures of this plan.
- t. Other types of actions not specified above and exceptions to the requirements of this plan which are permitted by rule or regulation and are consistent with the spirit and intent of the merit system principles delineated in Part 900.603 of Title 5, CFR may be approved by the HR Director.

3.5. DOCUMENTATION FOR ACCRETION OF DUTIES PROMOTION. Supervisors recommending the non-competitive promotion of an employee as the result of an accretion of duties through planned or unplanned management action will furnish the following information to justify the requested action:

- a. Briefly list the additional duties and responsibilities that form the basis for proposing a noncompetitive accretion of duties promotion and indicate the percentage of time devoted to

each. Do not rewrite the position description here. What duties and responsibilities of the job do you feel justify a higher grade? Are these duties and responsibilities a regular and recurring part of the position?

b. Will incumbent continue to perform all of his/her old duties and responsibilities? If not, explain.

c. How long has the incumbent been performing the additional duties and responsibilities?

d. What circumstances led to the incumbent assuming or being assigned these additional duties and responsibilities?

e. If additional duties and responsibilities were assigned, what efforts were made to rotate or assign these additional duties and responsibilities to other employees? If none, explain. Is the employee being given the additional duties and responsibilities the only person to whom they could logically be assigned?

f. If additional duties and responsibilities were assigned, was it done in a manner that will not adversely affect the grade of another occupied position in the unit?

SECTION 4: PROCEDURES

4.1. PRIORITY CONSIDERATION. Before taking action to fill a vacancy through merit staffing procedures, certain employees must be offered priority consideration.

a. **Mandatory Placement Actions.** If an individual in any of the categories listed below is available and qualified when a vacancy occurs, that individual must be given appropriate priority placement consideration.

(1) Persons with statutory, regulatory, or administrative reemployment, or restoration rights. These include, for example, employees returning from military service, employees returning from overseas assignments under the terms of a return agreement, or persons whose name appears on a Reemployment Priority List (RPL). RPL eligibles are referred for positions at or below the grade last held on a permanent basis by the registrant.

(2) Placement actions required in connection with RIF or placements in lieu of RIF.

(3) Placement, reassignment, or promotion that is directed by OPM, MSPB, the Equal Employment Opportunity Commission, or other lawful authority, to effect a corrective action resulting from an appeal, grievance, or EEO complaint decision or to correct a violation of law, rule, or regulation.

(4) Placement of Priority Placement Program registrants entitled to mandatory placement action.

(5) Placement of qualified recovered disability annuitants of DeCA or DeCA employees who have fully recovered from a job-related injury.

b. **Priority Consideration Only.** The situations described in the categories listed below require only that the selecting official consider the referred individual when a vacancy occurs. Mandatory selection is not required.

(1) Current DeCA employees receiving grade or pay retention in the same commuting area as the vacancy.

(2) Employees granted priority consideration, because they did not receive proper consideration for promotion due to a merit staffing regulatory, procedural, or program violation or other error. The HRSP or higher level authority determines entitlement after reconstructing the disputed case.

(3) Entitlement is limited to the first vacancy in the activity for which consideration was lost, that:

(a) Occurs within one year of the determination that the employee was not afforded proper consideration;

(b) Is a similar type position in the same pay system as the position for which the employee failed to receive proper consideration;

(c) The employee is qualified for and would be in the highly qualified group ranked by a subject matter expert (SME) or rating official against the crediting plan;

(d) Is at the same grade level with no higher potential than the position for which consideration was lost;

(e) The employee meets selective placement factors, where applicable.

c. Priority consideration is only granted once each time proper consideration is denied. It is important that the employee is given bona fide consideration. Should more than one employee be entitled to priority consideration on this basis for the same position, they will be considered together. There is no entitlement to selection. Management documentation is required to show that the employee received proper consideration for placement.

4.2. LOCATING CANDIDATES.

a. The area of consideration (AOC) should be sufficiently broad to ensure the availability of a reasonable number of highly qualified candidates, but narrow enough that an excessive number of applicants will not result. In determining the AOC, managers should consider such things as the nature and level of the position to be filled, merit system principles, EEO goals and objectives, the infusion of new ideas and strengths into the organization, budgetary constraints and cost-effectiveness, and the applicable regulations and requirements of negotiated labor agreements.

b. Prior to making this determination, the selecting official may discuss a suitable AOC with the appropriate HR specialist. The minimum AOC is the organizational or geographical area expected to provide at least three highly qualified candidates and which will assist in efforts to fulfill affirmative employment program goals established by law, regulation, or DeCA policy. The AOC usually includes all permanent employees of the organization where the vacancy exists. In most cases, the AOC will be no smaller than an individual commissary, area office, business unit, or staff office. To provide DeCA employees with the maximum opportunity for career advancement, selecting officials are encouraged to have the widest practical AOC. Selecting officials should consider expanding the area of consideration for their vacancies to allow People with Disabilities (PWD) and People with Targeted Disabilities (PWTD) the opportunity to apply for selection and/or advancement, as well as whether to include other non-competitive appointment authorities. A narrower AOC may be used for competitive details or temporary promotions of more than 120 days when there is no intention to later make the promotion permanent without further competition.

c. The minimum AOC for permanent positions at GS-13 and above is DeCA-wide. In applying this guideline, the full-performance level of the position will be the determining factor. The AOC may be expanded beyond the minimum area at any time during the recruitment process. For upward mobility program positions at the commissary store level, the AOC may be limited

either to the individual commissary or to the local commuting area, if more than one store is located within the commuting area.

d. As provided by Part 213 of Title 5, CFR and EO 13473, the AOC for U.S. positions, other than GS-1144 positions, in DeCA Europe and the Pacific Theater, will include the following:

- (1) Persons with military spouse preference (MSP) residing within the commuting area of the vacancy (excepted appointment); and
- (2) Military spouses eligible under EO 13473 (career-conditional appointment).

e. The minimum open periods for merit vacancy announcements processed under this plan are as follows:

- (1) The minimum announcement period for positions with a DoD-wide, Federal-wide, or DeCA-wide AOC is ten calendar days.
- (2) The minimum announcement period for all other positions is seven calendar days.

f. Merit staffing vacancy announcements will be used to advertise positions filled through the competitive procedures described in this plan. Although announcements for a specific vacancy are generally used for only one position, any number of additional like positions may be filled from the same announcement if the promotion certificate is issued within 90 days after the closing date of the announcement. This provision may not be used to provide a list of candidates for temporary promotion unless the announcement being considered was used to advertise a temporary promotion of equal or longer duration. For a description of information see Section 4.3.

g. Open continuous announcements or standing registers/inventories may be used when deemed appropriate by the HRSP or DeCA HQ HR. Whenever a position vacancy is announced as "open continuously," the HRSP will include an initial cut-off date in the announcement. Registers may be used when similar vacancies are anticipated over a period of time and referrals through this process will not affect the quality of candidates available for selection. The life of a register will be determined by such factors as the frequency and number of vacancies being filled. Cut-off date(s) for acceptance and consideration of applications for registers, which are open continuously, will be stated in the vacancy announcement. When certificates are issued, the cut-off date(s) for acceptance and consideration of applications will be the date the certificate is issued.

h. An application may be rejected if the following occurs:

- (1) Not from an appointable candidate;
- (2) From a candidate outside the AOC;
- (3) Lacks sufficient information upon which to make a qualifications determination;

- (4) Lacks sufficient information to determine the announcement applied for;
- (5) Contains falsified information;
- (6) From an applicant who does not meet time-in-grade requirements;
- (7) From an applicant who does not meet time after competitive appointment requirements;
- (8) Delivered through the United States (U.S.) mail in official government “franked” envelopes;
- (9) Received untimely (see paragraph below).

i. Any written form of application/resume will be accepted. Each applicant is responsible for the accuracy, completeness, and timely submission of his/her application. Applicants must submit application packages IAW the instructions in each vacancy announcement. Applications (including additions/changes to applications) must be received by the closing date of the announcement. All application documents submitted for a vacancy announced under this plan will be retained by the HRSP as part of the merit staffing case file.

4.3. INFORMATION CONTAINED IN VACANCY ANNOUNCEMENTS. The following information must be included in vacancy announcements:

- a. Vacancy announcement number, the opening date, and the closing date.
- b. Position pay plan, title, series, grade, salary, organization, and location.
- c. Promotion potential/full performance level of position.
- d. Who may apply (area of consideration).
- e. A summary of the position’s duties and responsibilities.
- f. Conditions of employment, such as tour of duty, temporary duty travel required, mobility agreement requirements, security clearance required, etc.
- g. A description of any modification of established qualification requirements.
- h. A statement of basic eligibility requirements, such as time-in-grade and minimum qualification requirements, must be met by the closing date of the announcements.

- i. The KSAs and/or job tasks determined to be essential to successful performance in the position.
- j. Any selective placement or quality ranking factors.
- k. The evaluation method to be used to determine the highly qualified candidates.
- l. Instructions on how and where to apply.
- m. The statement, “The Defense Commissary Agency is an equal employment opportunity employer.”
- n. A statement concerning permanent change of station payment/nonpayment.
- o. A statement that the position is an obligated position, if applicable.
- p. A statement that temporary promotions made from this announcement may be made permanent without further competition, if applicable.
- q. A statement that TERM appointments made from this announcement may be made permanent without further competition, if applicable.
- r. A statement concerning the requirement to serve a probationary period for managerial/supervisory positions.
- s. Length of temporary promotion/detail, if applicable.

4.4. CANDIDATE EVALUATION PROCEDURES. To be eligible for promotion or placement under this plan, applicants must meet all basic eligibility requirements, such as time-in-grade, time after competitive appointment, and minimum qualification requirements prescribed by OPM, by the closing/cut-off date of the vacancy announcement. For open-continuous announcements, basic eligibility requirements must be met at the time of filing.

a. Applicants for promotion or placement into a job having greater promotion potential than their current job (or one previously held) must have a rating of Fully Successful or higher in their most recent annual performance appraisal. In the absence of an appraisal, applicants will be presumed to be Fully Successful.

b. Selective placement factors may be used when they are essential for immediate satisfactory performance in the position to be filled and represent an addition to the basic qualification requirements for a position. As such, they constitute a part of the minimum qualification requirements. The selective placement factor required for any single position will be identified in the vacancy announcement. The knowledge, skills, abilities (KSAs) identified in a selective placement factor must be job-related and reflected in the official position description.

c. Quality ranking factors are KSAs that could be expected to significantly enhance the performance in a position, but unlike selective placement factors, are not essential for immediate satisfactory performance. Applicants who possess the quality ranking factor can be ranked above those who do not, but no one can be rated ineligible solely for failure to possess a quality ranking factor. If a quality ranking factor is developed, it will be identified in the vacancy announcement.

d. Candidates who satisfy the basic eligibility requirements will be further evaluated against job-related criteria based upon a job analysis that identifies the KSAs or the specific tasks that are required to perform satisfactorily the duties and responsibilities of the position. The evaluation procedures will include multiple assessment measures, such as experience, education, training, incentive awards, and performance appraisals. A job-specific written crediting plan or rating schedule job assessment will be developed for each position (or group of positions) filled through competitive staffing procedures. The crediting plan/job assessment will include:

- (1) KSAs, competencies, and/or tasks considered necessary for successful job performance;
- (2) Explicit measurement methods and procedures to be used to evaluate candidates;
- (3) Benchmarks with assigned point values for each of the identified KSAs, competencies or tasks; and;
- (4) Cut-off score to be used in determining which candidates are highly qualified for promotion and will be referred to the selecting official.

f. In addition to the job-specific referral method using a rating plan, Section 4.5, discusses several “Alternative Referral Methods,” which may also be used to determine highly qualified candidates.

g. Candidate evaluations will be fully documented and the results included in the merit staffing history case files maintained for audit purposes. Candidates will be rated by:

- (1) HR specialists;
- (2) One or more SMEs approved by the HR service provider; and/or
- (3) A rating panel.

4.5. ALTERNATE REFERRAL METHODS.

a. Ten or fewer qualified candidates. If 10 or fewer candidates qualify for a vacancy or qualify at a given grade level if the position was advertised at more than one grade level, an abbreviated procedure for determining the highly qualified candidates may be used. This procedure uses *whatever job-related criteria are considered appropriate* to distinguish highly qualified candidates from those who only meet the minimum qualifications requirements. Only

those candidates determined to be highly qualified under this process are referred for consideration. Ratings do not have to be assigned, and an elaborate or structured evaluation process is not required. However, the criteria selected must be documented in the record and sufficient documentation of the action must be retained to satisfy audit requirements. Factors such as length of experience may *not* be used to distinguish the highly qualified candidates from those who are minimally qualified. Candidates who are referred must possess a current annual performance rating of at least Fully Successful. This provision may also be used in situations where positions are advertised at more than one geographic location and more than 10 candidates meet the requirements described above, but no more than 10 of the applicants qualify for any one geographic location.

b. Use of generic crediting plans. This method uses generic or general crediting plans, one for GS positions and one for WG jobs, instead of the job-specific crediting plan evaluation method discussed in this plan.

c. Referral of all candidates with an annual summary rating of at least “fully successful” and a rating of at least “3” on a four-point scale on two or more principal KSAs under this procedure, applicants who have annual summary ratings of at least “Fully Successful” and who have experience and training which affords them a rating of at least three points (on a four-point scale) on two or more principal KSAs from the rating plan developed for the vacancy will be considered highly qualified and will be referred for consideration. The HRSP specialist and/or a subject matter expert will make the principal KSAs selection.

d. Select one benchmark for each KSA and assign scores relative to that benchmark. Evaluation of experience, education, awards, and supervisory appraisal will be conducted as described in the job-specific evaluation procedure using a crediting plan, except that the evaluation of experience will be performed based on applicants’ scores on one benchmark for each of the KSAs. Each KSA will have only one benchmark level described instead of the three benchmark levels normally used in a typical crediting plan. The single benchmark for a KSA will describe appropriate experience for highly qualified candidates. Candidates will be rated at, above, or below the level of experience expressed in the benchmark. Candidates rated above the benchmark will be assigned four points (on a four-point scale), those rated at the benchmark will receive three points, and those below the benchmark will receive two points or less. Scoring for education and training, performance rating, and awards will be as described in the written crediting plan established for the position.

e. Use of assessment center techniques. When a job analysis identifies skills that are difficult to evaluate from a review of experience (e.g., oral and written communication, leadership, interpersonal skills, problem analysis, judgment and decision making, flexibility, etc.), an assessment center may be worth considering. Typically, supervisory and managerial positions are among those requiring these kinds of skills. Selecting officials who wish to consider using assessment center techniques should contact DeCA HQ HR Directorate to discuss this approach before submitting a request to the HRSP.

4.6. REFERRAL AND SELECTION PROCEDURES. Only candidates determined to be highly qualified through appropriate evaluation procedures will be referred to the selecting official for consideration. If no highly qualified candidates are available, other qualified

candidates may be considered. Normally, a maximum of 10 highly qualified promotion candidates (including all candidate ties) will be referred for each vacancy, with one additional candidate referred for each additional, identical vacancy. Selecting officials have the option to request all highly qualified candidates be referred. This request must be submitted in writing to the HRSP to be maintained as part of the recruitment case file. Email requests from the selecting official are acceptable. Candidates will be listed in alphabetical order.

a. In an effort to continue to reduce time to hire, all referral certificates will be issued by the HRSP with a suspense of 15 calendar days. Management is strongly encouraged to make selections and return referral certificates to the HRSP within 15 days. Extensions of an additional 15 days may be requested by the selecting official, with concurrence from their Functional Process Owner (FPO)/Area Director. Any/all additional requests for extensions must be submitted by the selecting official in writing through the appropriate FPO/Area Director to the appropriate Executive Director for approval. These instances should be rare. If approved by the Executive Director, the extension request must be forwarded to the HRSP by the selecting official before the certificate expires in order for the referral certificate to be extended. The life of a competitive merit promotion referral is a maximum of 90 days. For example, if a selection is made from a certificate, and the certificate is returned to the service provider for action and the applicant declines, if the original certificate is less than 90 days old, a second selection may be made.

b. The certificate may also be used to refer any eligible candidates from non-competitive or other recruitment sources, when such sources are used. The identity of each source used will be clearly indicated on the certificate.

c. Information to accompany the referral provided to the selecting official includes the candidates' resumes, copies of transcripts, supplemental statements (if submitted), and annual performance appraisals, if submitted.

d. The selecting official is entitled to select any certified candidate using job-related criteria, non-select all candidates, or select from other sources at any time during the recruitment process.

e. Once a selection is made by the selecting official, the job offer is extended by the HRSP. Selectees must meet all required conditions of employment (e.g., suitability, selective service registration, physical requirements, mobility, etc.). The HRSP will ensure the selectee meets all conditions of employment prior to extending the firm job offer. If at any time prior to the entrance on duty date it is determined that all conditions of employment are not met, the job offer will be withdrawn by the HRSP. For example, registering for the selective service is a condition of employment for all male applicants born after December 31, 1959; therefore, if it is determined by the HRSP that this condition was not met at the time of selection, then the job offer will be withdrawn.

4.7. CONDUCTING INTERVIEWS. Selecting officials may interview all, some, or none of the candidates on a certificate, and they must use job-related criteria for determining which

candidates to interview. Interviews are not required for vacancies below the GS-13 level; however, their use is strongly encouraged when filling professional, managerial, and administrative positions. In such cases, interviews are likely to provide insight into job-related criteria not fully assessable through the written application.

a. When filling any GS-13 and above position competitively, selecting officials are required to use the structured panel interview process to interview candidates. See Director's Policy 500-38. All panel members must be trained prior to participating as a panel member. This training is available on Skillsoft.

b. Selecting officials may **not** administer any type of test or formally scored questions to arrive at an interview score and/or use that test or interview score as a basis for selection unless these materials are reviewed and vetted through DeCA HQ HR staff. This includes structured panel interview questions and assessment criteria.

c. Selecting officials are responsible for using interview panels properly. Although panels may be convened to interview candidates and recommend selections, the selecting official is ultimately responsible for making the final selection decision.

4.8. RELEASE OF EMPLOYEES. Employees selected under the provisions of this plan will be released promptly, normally within two to four weeks from the request for the release date. In those rare instances where this time is not adequate, the gaining and losing supervisor mutually agree to a date. Employees should be released in the following manner:

a. Employees selected for promotion or to fill positions with known promotional opportunity should be released within two weeks, except in unusual circumstances, but no later than 30 days after selection.

b. Employees selected for reassignment, demotion, or details to the same or lower graded positions will normally be released within 30 days, unless mutual agreement is reached between the releasing and gaining supervisors.

c. Employees selected for positions located overseas will normally be released within 45 days.

d. Personnel actions covered by this plan will normally be effective on Sundays at the beginning of a pay period unless the appointee is a new hire.

e. No personnel action (other than a detail) can be effective until the position to which an employee is being assigned has been classified, the candidate has met all legal and qualification requirements, and advance notification requirements have been met.

4.9. HIGHEST PREVIOUS RATE. Pay will be set at the highest previous rate (HPR), when filling permanent positions, unless there is a strong business-based reason for not doing so.

Exceptions to this policy may be approved only on a case-by-case basis by the appropriate Executive Director. Blanket exceptions for organizations or groups of employees are not authorized. Authority to approve exceptions may not be delegated to a lower level. Justification for exceptions must be based on budget constraints or other management considerations.

a. Employees will be informed of the rate at which their pay will be set prior to entrance on duty into a new position. Section 4.10 contains procedural instructions for use of the HPR.

b. HPR will not be used when filling temporary positions. Exceptions to this policy will be rare and must be justified by compelling business based reasons. The approving authority for exceptions is the appropriate Executive Director.

4.10. USE OF HIGHEST PREVIOUS RATE (HPR). HPR is the highest rate of basic pay previously paid to an individual while employed in a branch of the Federal Government (Executive, Legislative or Judicial), a mixed-ownership corporation, the U. S. Postal Rate Commission, or the District of Columbia (DC) (if the DC employment began before October 1, 1987), regardless of whether or not the position was subject to the GS pay system, which meets the following requirements:

a. The HPR must have been earned under an appointment not limited to 90 days or less or for a total of at least 90 continuous days under one or more appointments, without a break in service. The HPR may have been held on a permanent or temporary appointment. The HPR may have been held in the competitive or excepted service.

b. The HPR may have been the result of a temporary promotion held for a continuous period of at least 24 months when the position was advertised and the announcement indicated that the promotion could be converted to permanent without further competition.

c. The HPR must be based on a regular tour of duty at that rate. Rates earned on an intermittent work schedule cannot be used as HPR, because intermittent employees do not have a regular tour of duty.

d. Determining HPR may not be based on:

(1) A rate received as a result of a locality-based comparability allowance. A locality rate of pay may not be used as HPR. However, the employee's equivalent grade and step on nationwide Regular GS pay schedule may be used as HPR.

(2) A pay rate earned as the result of a temporary promotion for less than 24 months.

(3) A GS Special Rate unless, in a reassignment to another position within DeCA, the Special Rate is the employee's current rate of basic pay, and the Director determines that the need for the employee's services will be greater in the position to which the employee is being reassigned. In all other cases, when the HPR is a GS Special Pay rate, the setting of pay will be based on the pay rate the employee would have received on the Regular GS pay schedule.

(4) A rate received as an expert or consultant or a rate received under a void appointment or a rate otherwise contrary to applicable law or regulation.

(5) A rate received in a position from which the employee was reassigned or reduced in grade for failure to satisfactorily complete a supervisory or managerial probationary period.

e. Internal placement actions resulting in change to lower grade. For internal placement actions which constitute a change to lower grade (excluding changes to lower grade after temporary promotions), pay will be set at the step which equals or exceeds the highest previous rate, unless:

(1) The action is for disciplinary reasons or

(2) Placement in the higher step would result in more rapid pay advancement upon promotion back to the former grade. When an employee is changed to a lower grade at his or her own request for his or her own personal benefit or convenience (e.g., to acquire a desired duty station), with the probability of promotion as soon as possible under merit staffing rules, any windfall that could occur when the employee is promoted must be taken into consideration when setting the employee's pay at a rate in the lower grade. Generally, application under merit promotion procedures for a lower graded position constitutes a request for lower grade for the employee's benefit or convenience.

(3) An employee who is determined ineligible to occupy a sensitive position and who is subsequently demoted for such reason, will have their pay set at the highest step of the grade to which they were demoted that does not exceed the employee's existing rate of pay. Exceptions to allow a deviation from the pay setting policy for personnel actions related to background investigations may be granted only by the DeCA Director, or his designee.

(4) HPR will be applied for change to lower grade actions to positions filled below the full performance level. Where HPR will not allow the employee to retain their current rate of pay, pay retention under Part 536.104(b) of Title 5, CFR will apply.

(5) Approval/denial decisions will be included with the documentation submitted to the HRSP for action.

(6) When using HPR to set pay, the pay is set within the rate range of the applicable grade.

(7) DeCA officials with authority to approve exceptions to this policy will assure that new employees and the HRSP are aware of the rate at which pay will be set before the employee is appointed to the position.

4.11. DISCLOSURE OF MERIT STAFFING INFORMATION. Under the Privacy Act of 1974, an applicant is allowed access to any merit promotion record identified as personal to their and to any other information permitted for release under the Freedom of Information Act.

a. General merit promotion information may be released, under the provisions of Part 335 of Title 5, CFR, after the merit promotion selection has been finalized. At that time, information is releasable on such matters as whether an applicant was considered qualified; was within the group from which the selection was made; who was selected; how the applicant might improve for future merit staffing competitions; supervisory appraisal information; and other employee pertinent information. The names of evaluation panel members will not be released.

b. All candidates must have equal access to information on merit staffing processes and procedures. However, during the staffing processes, response will be provided only to questions relating to staffing policy and clarification of information in the vacancy announcement (e.g., content of position, basic qualifications, etc.).

c. No information will be provided to applicants on matters such as their rating and ranking, standing in relation to other candidates, the crediting plan used, or any other information that would give them an unfair advantage. The first consideration given is to protect the privacy of all candidates. Ineligible candidates will be notified as soon as possible.

4.12. RECORDS/DOCUMENTATION. Merit staffing history records will be subject to review by internal evaluation methods and by higher authority. Records and other applicable regulations will be used to document placement actions and will be maintained IAW DoD record keeping requirements. All records will be kept for 2 years or until an OPM evaluation is conducted (whichever occurs first), provided no grievance or complaint has been filed or is in process.

a. The HRSP will maintain all records associated with the recruitment and filling of the position. Selecting officials will maintain all records associated with the interview process, if conducted.

b. Sufficient documentation will be available within the placement records to provide a clear audit trail and permit a complete reconstruction of any competitive staffing action processed under this plan.

4.13. CORRECTIVE ACTIONS. Appropriate corrective action required because of a procedural, regulatory, or program violation of this plan or regulation will be accomplished IAW, relevant sections of Title 5, CFR.

4.14. COMPLAINTS AND GRIEVANCES. An employee who believes that the governing procedures were not properly followed in filling a position under this plan or who believes that his/her qualifications were not properly evaluated may grieve or complain under applicable administrative procedures or in accordance with an appropriate negotiated agreement. Failure to be selected from a properly constituted list of certified candidates is not a grievable issue, except where non-selection was due to discrimination and/or the conduct of a prohibited personnel practice.

a. Allegations of discrimination based on factors protected by EEO laws which include race, color, sex (including sexual orientation), age (over 40), religion, prior EEO activity, physical or mental disability or genetic information will be considered under the relevant provisions of the EEO Program. Individuals with concerns regarding whether an EEO-protected factor affected their participation in the merit promotion process should first contact an EEO counselor IAW instructions on official bulletin boards and the Agency's web site.

b. Management and the HRSP will make every reasonable effort to informally resolve employee concerns regarding placement.

GLOSSARY

G.1. ACRONYMS.

AOC	Area of Consideration
CBA	Collective Bargaining Agreement
CFR	Code of Federal Regulations
DC	District of Columbia
DeCA	Defense Commissary Agency
DeCAD	Defense Commissary Agency Directive
DoD	Department of Defense
EO	Executive Order
EEO	Equal Employment Opportunity
FPO	Functional Process Owner
GS	General Schedule
HPR	Highest Previous Rate
HQ	Headquarters
HR	Human Resources
HRSP	Human Resources Service Provider
IAW	In Accordance With
KSAs	Knowledge, Skills, Abilities
MSP	Military Spouse Preference
MSPB	Merit System Protection Board
OCONUS	Outside the Continental United States
OPM	Office of Personnel Management
PCS	Permanent Change of Station
PWD	People with Disabilities
PWTD	People with Targeted Disabilities
RIF	Reduction-in-Force
RPL	Reemployment Priority List
SME	Subject Matter Expert

U.S.	United States
U.S.C	United States Code
VRA	Veterans Recruitment Appointment
WG	Wage Grade

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

Accretion of duties. Promotion of an employee resulting from the employee's position being classified at a higher grade because of additional duties and responsibilities.

Area of Consideration (AOC). The area of consideration is a geographic and/or organizational area in which the activity reasonably expects to recruit enough highly qualified candidates from which to select.

Career appointment. Competitive service, permanent appointment given to an employee who has completed three years of continuous creditable Federal service.

Career-conditional appointment. Competitive service, permanent appointment of a person who has not yet completed 3 years of continuous creditable Federal service.

Career-ladder position. A position that is filled through competitive procedures below the full-performance level. Employees selected for career ladder positions may be promoted without further competition when they: (1) meet regulatory and qualification requirements and (2) demonstrate the ability to perform at the next higher grade. Career ladder positions may be designed and announced in such a manner that promotion to the highest grade requires relocation to a different duty location.

Certificate (merit promotion). A list of the highly qualified promotional candidates, certified by the HRSP to the selecting official, for consideration for selection.

Commuting area. The geographic area in which a person can reasonably be expected to travel to and from work on a daily basis.

Competitive service. An appointment or a position in the Federal Government, which is not specifically accepted from the Civil Service laws by EO or OPM regulations.

Crediting plan. A set of rating guides against which all eligible qualified promotional candidates are evaluated.

Detail. A temporary assignment of an employee to a different position or set of duties for a specified period with no change in pay, with the employee returning to his/her regular duties at the end of the detail period.

Eligible candidate. Appointable candidate who, by the announced closing date, meets legal and regulatory requirements for placement into the vacant position (i.e., qualifications, time-in-grade, time after competitive appointment, area of consideration, etc.).

Full performance level. That level of work designated by management and established by the application of the appropriate classification standard(s), which depicts the highest level of duties and responsibilities performed in a position.

Job analysis. The process of systematically collecting, processing, analyzing, and interpreting information about a specific position or group of like positions to provide a job-related basis for evaluation and selection.

Knowledge, Skills, Abilities (KSAs). Those knowledge, skills, and abilities predetermined by job analysis to be essential to successful job performance which will be used to rank candidates.

Merit promotion. Placement of employees in positions at a higher grade level or with promotion potential to a higher grade level than that currently held, based on a selecting official's assessment of appropriate knowledge, skills, and abilities.

Non-competitive candidate. A candidate who is qualified for a specific vacant position and either on the basis of prior competition or on exemption from the requirement to compete may be referred to the selecting official without evaluation and competition in the "merit promotion" process (e.g. reinstatement or transfer eligible, reassignment eligible, 30 percent disabled veterans, etc.).

Non-status applicant. An applicant who is not under a career or career-conditional appointment or is not a reinstatement eligible.

Obligated position. A position in the United States which is vacated by an employee who is granted return rights will be "obligated" for the duration of the employee's eligibility for return rights. Recruitment announcements and personnel actions to appoint individuals to "obligated" positions should be annotated accordingly.

Performance appraisal. The document that provides the annual, mid-year or interim evaluation of the employee's performance as measured against the critical elements, objectives, and standards established for the position the employee occupies.

Priority consideration. The non-competitive referral of an individual's application to a selecting official for selection consideration.

Promotion. The change of an employee to a position at a higher grade level or to a position with a higher rate of basic pay.

Promotion potential. Positions from which career promotions can be made. These include: (1) positions filled at a grade (or grades) below the established or anticipated full performance grade level; (2) career- ladder positions; and (3) trainee positions.

Qualified candidate. Eligible promotional candidate who, by the announced closing date, meets the qualification criteria published by OPM.

Quality ranking factor. KSAs that could be expected to significantly enhance the performance in a position, but unlike selective factors, are not essential for satisfactory performance. Applicants who possess the quality ranking factor can be ranked above those who do not, but no one can be rated ineligible solely for failure to possess a quality ranking factor.

Register. A list of eligibles used to fill designated types of positions. The HRSP may maintain internal merit staffing registers that are used to place current Federal employees and/or reinstatement eligibles. These registers may be established from vacancy announcements, open continuous announcements, or vacancy listings. OPM and Agency Delegated Examining Units maintain registers that are used for initial appointments into the Federal Civil Service.

Reinstatement. The reemployment of (1) a former career employee (or career-conditional veteran's preference eligible) any time after separation from Federal employment or (2) a former career conditional non-veteran within three years after separation.

Relative. Includes the specific relationships stated in Section 3110 of Title 5, CFR (i.e., father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister). When popular and legal usage differs, the strict or legal definition is applied to all these terms.

Return rights. The right to return to a position in the United States granted to an employee serving under a career or career-conditional appointment in the competitive Civil Service who is assigned outside the United States.

Selecting official. An individual authorized to make a selection for the position to be filled. The selecting official is usually the first or second level supervisor over the position, but may be a higher level official in the chain of command.

Selective placement factors. KSAs not contained in the OPM Qualification Standards that are so essential for satisfactory performance in a particular position that they become part of the qualification requirements in addition to those outlined in the OPM Qualifications Standards. Selective placement factors are readily identifiable from the position description and are defined by appropriate DLA staff in consultation with activity management officials. Examples of appropriate factors are: ability to speak, read and/or write a language other than English; knowledge or ability pertaining to a certain program or mission, when these cannot readily be acquired within 90 days after appointment; and ability in a functional area (for example, ability to evaluate alternative automated human resources systems).

Subject Matter Expert (SME). A person who has knowledge and experience that has provided a familiarity with the duties, responsibilities, and qualifications requirements of a position.

REFERENCES

- Code of Federal Regulations, Title 5, Part 213, “Excepted Service,” July 18, 2019
- Code of Federal Regulations, Title 5, Part 315.713 “Appointment for Persons With Disabilities,”
January 1, 2019
- Code of Federal Regulations, Title 5, Part 335, “Promotion and Internal Placement,”
January 1, 2016
- Code of Federal Regulations, Title 5, Section Part 536.104(b), “Reasonable Offer,” January 1,
2019
- Code of Federal Regulations, Title 5, Part 900.603, “Standards for a Merit System of Personnel
Administration,” January 1, 2019
- DeCA Directive 50-18, “Commissary Career Program,” January 10, 2014
- DeCA Directive 70-2, “Internal Control Program,” December 17, 2007
- DeCA Director’s Policy 500-38, “Managing Human Capital,” dated November 16, 2018
- DoD Directive 5105.55, “Defense Commissary Agency (DeCA),” March 12, 2008
- Executive Order 12721 “Eligibility of Overseas Employees for Non-Competitive
Appointments,” July 30, 1990
- Executive Order 13473, “Noncompetitive Appointment of Certain Military Spouses,
September 25, 2008